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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,948	09/08/2003	Kailash C. Vasudeva	PAT 51403A-2	9002

26123 7590 07/13/2005

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,948

Applicant(s)

VASUDEVA, KAILASH G.

Examiner

Ruth C. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) 4-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/15/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election Restriction

1. Applicant's election with traverse of Invention 1, Species 2 and sub-species 1 in the reply filed on 25 April 2005 is acknowledged. The traversal is on the ground(s) that the method of manufacturing the elected flanges should also be examined with the elected flanges. This is not found persuasive because the search required for the flange assembly is found in class 285 but the search required for the method of making the flange assembly is found in class 29. The search of the elected flanges does not require the search of class 29. Therefore, the transversal presented by the Applicant fails to be persuasive.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 4-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Invention, Species and sub-species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 25 April 2004.

Information Disclosure Statement

3. The information disclosure statement filed on 15 December 2003 has been considered for this Office Action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (US 6,299,216) in view of Medvick (US 4,792,162).

Thompson discloses a flange assembly comprising a first flange (5a) and a second flange (5b). The first flange comprises a mating surface and a pipe attachment surface opposite the mating surface (Figs. 4 and 5). The second flange comprises a sealing surface (13 or 14) complementary to the mating surface of the first flange and a pipe attachment surface opposite to the sealing surface (Figs. 4 and 5). The first flange or the second flange further comprises gasket retention means through mechanical interference to provide squeeze areas (Figs. 4 and 5). Thompson fails to disclose that the first and second flanges are made of powder metallurgically produced material. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first and second flanges made of powder metallurgically produced material since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. Especially, since Medvick teaches that the flanges are made of powder metallurgically

produced material that offers significant reduction in the manufacturing costs and provides a durable structure (C. 7, L. 25-31).

Thompson also discloses that the gasket retention means is a notched annular recess (Figs. 4, 5-7 and 11).

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Medvick as applied to claim 1 above, and further in view of Metsinger (US 6,079,752).

Thompson disclose a flange assembly having all the feature mentioned above for the rejection of claim 1 that is being made of powder metallurgically produced material in accordance with the teaching of Medvick. Thompson fails to disclose that the gasket retention means is an oval annual recess. However, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have the gasket retention means in the shape of an oval instead of the notched annular recess disclosed by Thompson since a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F. 2d 669, 149 USPQ 47 (CCPA 1966). Especially since the use of a gasket retention means having an oval shape is well known in the art as demonstrated by Metsinger for the flanges 16,18.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zimmer et al. (US 3,173,522), Metwick (US 4,792,162) and Kapgan et al. (US 5,662,362) are cited to show state of the art with respect to the use of powder metallurgically produced material for the flanges and different components of a joint.

Van Winkle (US 3,220,246), Ahlstone (US 4,294,477), Hodonsky (US 5,662,361), Metsinger (US 6,079,752), Babuder et al. (US 6,234,545 B1), Thompson (US 6,299,216 B1) and Aaron, III (US 6,454,316 B1 and 6,543,120 B2) are cited to show state of the art with respect to flanges having some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or

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amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to
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(Typed or printed name of person signing this certificate)

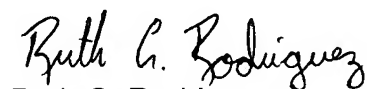
(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
July 11, 2005